

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56755 of 2021**

Arising Out of PS. Case No.-93 Year-2021 Thana- DAWATH District- Rohtas

Om Prakash Singh @ Om Prakash @ Bhuwar, S/O Jaglal Singh @ Bhaiya
Ram Singh, R/O Village-Dhawai, P.S-Dawath, District-Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyapal Singh, Adv.

For the Opposite Party/s : Ms.Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 06-04-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within two weeks
after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms.
Pushpa Sinha, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Dawath P.S. Case No.93 of 2021 registered for
the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016. He is in custody since
27.06.2021. The petitioner has got three criminal antecedents.

Learned counsel for the petitioner submits that, as per
the prosecution story, the informant alleged that on 26.06.2021, he
received a confidential information that in the village Dhawai, one
Om Prakash Singh @ Bhuwar (petitioner) was involved in selling of



illicit foreign liquor in his pickup van, he along with other police personnel reached near the spot and found that few persons were untying rope from a pick-up van and they started fleeing away on seeing the police party. The informant further alleged that one person was apprehended and disclosed his name as Rahul Kumar. He disclosed that the liquor belongs to Om Prakash Singh @ Bhuar (petitioner). The informant further alleged that the house of Om Prakash Singh was raided and he was arrested from his house. It is alleged that in course of search from the pickup 407 total 2548.5 liters of illicit liquors were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on suspicion. Learned counsel submits that nothing has been recovered from the possession of the petitioner. It is submitted that the petitioner is in custody in connection with this case since 27.06.2021.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the name of the petitioner has transpired in the statement of the apprehended driver of the vehicle from which the illicit liquor was recovered, the petitioner was not arrested on the spot and later on he has been arrested from his house, there is no recovery from his possession and he has remained in custody for about ten



months, investigation against him is complete but the trial is not likely to be concluded and his presence may be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise, Rohtas at Sasaram in connection with Dawath P.S. Case No.93 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that considering the three criminal antecedents of similar nature, this Court directs that during pendency of the trial in the present case the petitioner shall mark his attendance once in every two months with the S.H.O. of Dawath police station in the District of Rohtas at



Sasaram and shall keep on furnishing his complete whereabouts and mobile number to the S.H.O. If he is required to go outside the jurisdiction of the police station in connection with any employment etc. then also he will furnish his address and other information to the S.H.O. Non-compliance with this condition shall be reported by the S.H.O. of Dawath police station to the learned court below and steps shall be taken for cancellation of the bail of the petitioner.

Let a copy of this order be sent to the office of Superintendent of Police, Rohtas at Sasaram for necessary action.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

